

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

JAMES NATHANIEL BRASWELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:20-CV-00872

SGT. X MUNCIE, et al.

Defendants.

DEFENDANTS' MOTION TO DISMISS

COMES NOW Defendants Craig Roberts and Betsy Jividen, by counsel, William E. Murray, Mark J. McGhee, and the law firm of Anspach Meeks Ellenberger LLP, and move that Plaintiff's Complaint be dismissed with prejudice because it fails to state a claim upon which relief can be granted. The basis for Defendants' Motion is set forth more fully in the Memorandum of Law in Support filed contemporaneously with this Motion.

CRAIG ROBERTS AND BETSY JIVIDEN,

By Counsel

/ s/ William E. Murray

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CERTIFICATE OF SERVICE

I, William E. Murray, do hereby certify that on this 19th day of March, 2021, I filed the foregoing **“DEFENDANTS’ MOTION TO DISMISS”** with the Clerk of the Court using the CM/ECF system, and served Plaintiff by mail, to wit:

James Braswell (#3613474)
South Central Regional Jail
1001 Centre Way
Charleston, WV 25309
Pro Se Plaintiff

/s/ William E. Murray
William E. Murray (WVSB #2693)
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